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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/214,851	09/09/1999	EDWARD M SELLERS	064658.0129	8120

21967 7590 06/07/2004

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EXAMINER

DELACROIX MUIRHEI, CYBILLE

ART UNIT	PAPER NUMBER
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1614

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 1614

Detailed Action

The following is responsive to Applicant's amendment received Feb. 2, 2004.

Claims 1-18, 21-22, 25-26, 29-38, 42-46 are cancelled. No new claims are added. Claims 19-20, 23, 24, 27-28, 39-41 are currently pending.

The previous rejection of claim 38 under 35 USC 103(a) maintained in the office action mailed Nov. 19, 2003 **is withdrawn** in view of Applicant's amendment and the remarks contained therein.

The previous rejection of claims 25-29, 38, 39, 40, 41 under 35 USC 112, paragraph 1, maintained in the office action mailed Nov. 19, 2003 **is withdrawn** in view of Applicant's amendment and the remarks contained therein.

The previous objection of claims 29 and 45, set forth at paragraph 3 of the office action mailed Nov. 19, 2003, **is withdrawn** in view of Applicant's amendment and the remarks contained therein.

The previous claim rejections under 35 USC 112, paragraph 2, set forth in paragraphs 4-6 of the office action mailed Nov. 19, 2003 are **withdrawn** in view of Applicant's amendment and the remarks contained therein.

The previous claim rejection under 35 USC 112, paragraph 1, set forth in paragraph 7 of the office action mailed Nov. 19, 2003 **is withdrawn** in view of Applicant's amendment and the remarks contained therein.

Upon further consideration of the remaining pending claims, the Examiner respectfully submits the following new ground of rejection.

Art Unit: 1614

New Ground(s) of Rejection

Claim Rejection(s)—35 USC 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 19-20, 23-24, 27-28, 39-41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitation “analogs thereof and derivatives thereof” renders the claims vague and indefinite. While Applicant’s specification defines what is meant by “analogs and derivatives” of coumarin and methoxsalen, Applicant’s specification does not define what analogs or derivatives are encompassed by the limitation when applied to the remaining compounds in the claim. Furthermore, the specification does not state the meaning that the phrase “related flavones” is intended to have. Therefore, one of ordinary skill in the art would not be reasonably apprised of the scope of the claimed invention. In other words, the metes and bounds of the patent protection desired are unclear.

Conclusion

Claims 19-20, 23-24, 27-28, 39-41 are rejected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cybille Delacroix-Muirheid whose telephone number is 571-272-0572. The examiner can normally be reached on Mon-Fri from 9:30 to 6:00.

Art Unit: 1614

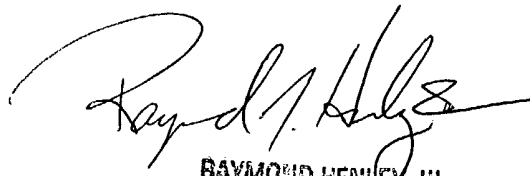
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marianne Seidel, can be reached at 571-272-0584. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CDM



June 2, 2004



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